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ABSTRACT

This report explores how Juvenile Detention Alternatives Initiative (JDAI) sites promoted and sustained detention reforms in their jurisdictions. Chapter 1, "Why Promoting and Sustaining Detention Reform are Important," introduces the issue. Chapter 2, "Promoting Reform," discusses how to establish the need for reform, build support for reform, name the effort to reach different audiences, use data to build support for reform, promote support for reform within the system, train to promote detention reform, and develop a communications strategy. Chapter 3, "Sustaining Reform," explains how to handle leadership transitions, maintain shared values, use data constructively, train to sustain reform, put reform into legislation, make a fiscal case for reform, create tools to sustain reform, and institutionalize policies, practices, and positions. Chapter 4, "Lessons Learned," presents seven lessons learned by JDAI sites (e.g., collaboration is needed to build consensus, a reform initiative cannot endure if it is only a top-down enterprise, those who promote reform must be aware that they are sending their messages to many publics, and changing a culture takes time and requires constant vigilance). A resource list is included. (SM)

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PATHWAYS TO JUVENILE DETENTION REFORM

PROMOTING AND SUSTAINING

detention reforms

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11

PATHWAYS TO JUVENILE DETENTION REFORM

PROMOTING AND SUSTAINING

detention reforms

by Robert G. Schwartz

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SERIES PREFACE

Many years ago, Jim Casey, a founder and long-time CEO of the United Parcel Service, observed that his least prepared and least effective employees were those unfortunate individuals who, for various reasons, had spent much of their youth in institutions, or who had been passed through multiple foster care placements. When his success in business enabled him and his siblings to establish a philanthropy (named in honor of their mother, Annie E. Casey), Mr. Casey focused his charitable work on improving the circumstances of disadvantaged children, in particular by increasing their chances of being raised in stable, nurturing family settings. His insight about what kids need to become healthy, productive citizens helps to explain the Casey Foundation's historical commitment to juvenile justice reform. Over the past two decades, we have organized and funded a series of projects aimed at safely minimizing populations in juvenile correctional facilities through fairer, better informed system policies and practices and the use of effective community-based alternatives.

In December 1992, the Annie E. Casey Foundation launched a multi-year, multi-site project known as the Juvenile Detention Alternatives Initiative (JDAI). JDAI's purpose was straightforward: to demonstrate that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention. The initiative was inspired by work that we had previously funded in Broward County, Florida, where an extremely crowded, dangerous, and costly detention operation had been radically transformed. Broward County's experience demonstrated that interagency collaboration and data-driven policies and programs could reduce the numbers of kids behind bars without sacrificing public safety or court appearance rates.

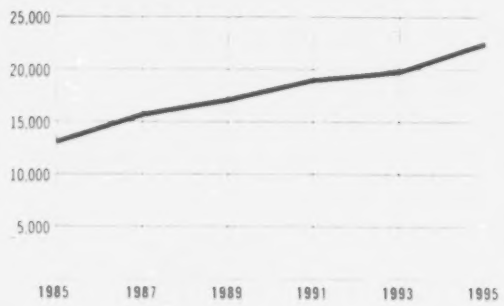
Our decision to invest millions of dollars and vast amounts of staff time in JDAI was not solely the result of Broward County's successful pilot endeavors, however. It was also stimulated by data that revealed a rapidly emerging national crisis in juvenile detention. From 1985 to 1995, the number of youth held in secure detention nationwide increased by 72 percent *(see Figure A)*. This increase

might be understandable if the youth in custody were primarily violent offenders for whom no reasonable alternative could be found. But other data *(see Figure B)* reveal that less than one-third of the youth in secure custody (in a one-day snapshot in 1995) were charged with violent acts. In fact, far more kids in this one-day count were held for status offenses (and related court order violations) and failures to comply with conditions of supervision than for dangerous delinquent behavior. Disturbingly, the increases in the numbers of juveniles held in secure detention facilities were severely disproportionate across races. In 1985, approximately 56 percent of youth in detention on a given day were white, while 44 percent were minority youth. By 1995, those numbers were reversed *(see Figure C)*, a consequence of greatly increased detention rates for African-American and Hispanic youth over this 10-year period.[1]

As juvenile detention utilization escalated nationally, crowded facilities became the norm rather than the exception. The number of facilities

FIGURE A

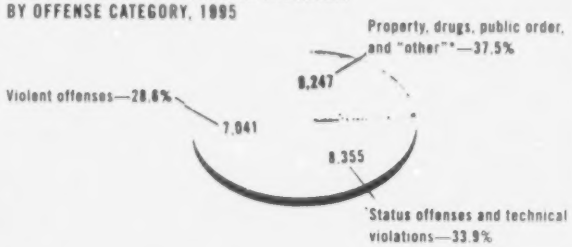
AVERAGE DAILY POPULATION OF JUVENILES IN U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

FIGURE B

ONE-DAY COUNTS IN DETENTION FACILITIES BY OFFENSE CATEGORY, 1995

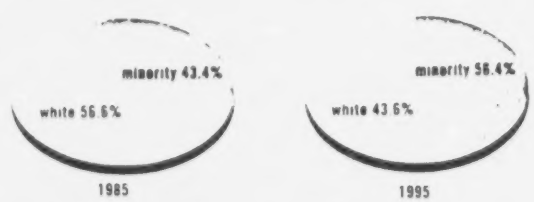


*Examples of "other" include alcohol and technical violations.

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

FIGURE C

JUVENILES IN PUBLIC DETENTION CENTERS BY MINORITY STATUS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

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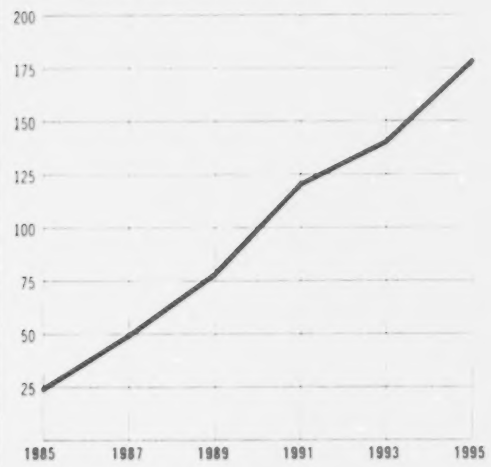
operating above their rated capacities rose by 642 percent, from 24 to 178, between 1985 and 1995 (*see Figure D*), and the percentage of youth held in overcrowded detention centers rose from 20 percent to 62 percent during the same decade *(see Figure E)*. In 1994, almost 320,000 juveniles entered overcrowded facilities compared to 61,000 a decade earlier.

FIGURE D

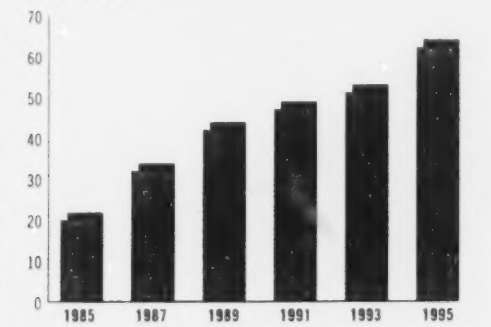
NUMBER OF OVERCROWDED U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

FIGURE E

PERCENTAGE OF JUVENILES IN OVERCROWDED U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

Crowding is not a housekeeping problem that simply requires facility administrators to put extra mattresses in day rooms when it's time for lights out. Years of research and court cases have concluded that overcrowding produces unsafe, unhealthy conditions for both detainees and staff. A recently published report by staff of the National Juvenile Detention Association and the Youth Law Center summarizes crowding's impact:

> *Crowding affects every aspect of institutional life, from the provision of basic services such as food and bathroom access to programming, recreation, and education. It stretches existing medical and mental health resources and, at the same time, produces more mental health and medical crises. Crowding places additional stress on the physical plant (heating, plumbing, air circulation) and makes it more difficult to maintain cleaning, laundry, and meal preparation. When staffing ratios fail to keep pace with population, the incidence of violence and suicidal behavior rises. In crowded facilities, staff invariably resort to increased control measures such as lockdowns and mechanical restraints.*[2]

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Crowding also puts additional financial pressure on an already expensive public service. Operating costs for public detention centers more than doubled between 1985 and 1995, from $362 million to almost $820 million *(see Figure F)*. Some of these increased operating expenses are no doubt due to emergencies, overtime, and other unbudgeted costs that result from crowding.

FIGURE F

TOTAL OPERATING EXPENDITURES IN U.S. PUBLIC DETENTION CENTERS, 1985-1995

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995

JDAI was developed as an alternative to these trends, as a demonstration that jurisdictions could control their detention destinies. The initiative had four objectives:

- to eliminate the inappropriate or unnecessary use of secure detention;
- to minimize failures to appear and the incidence of delinquent behavior;
- to redirect public finances from building new facility capacity to responsible alternative strategies; and
- to improve conditions in secure detention facilities.

To accomplish these objectives, participating sites pursued a set of strategies to change detention policies and practices. The first strategy was *collaboration*, the coming together of disparate juvenile justice system stakeholders and other potential partners (like schools, community groups, the mental health system) to confer, share information, develop system-wide policies, and to promote accountability. Collaboration was also essential for sites to build a consensus about the limited purposes of secure detention. Consistent with professional standards and most statutes, they agreed that secure detention should be used only *to ensure that alleged delinquents appear in court at the proper times and to protect the community by minimizing serious delinquent acts while their cases are being processed.*

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Armed with a clearer sense of purpose, the sites then examined their systems' operations, using objective data to clarify problems and dilemmas, and to suggest solutions. They changed how admissions decisions were made (to ensure that only high-risk youth were held), how cases were processed (particularly to reduce lengths of stay in secure detention), and created new alternatives to detention programs (so that the system had more options). Each site's detention facility was carefully inspected and deficiencies were corrected so that confined youth were held in constitutionally required conditions. Efforts to reduce disproportionate minority confinement, and to handle "special" detention cases (e.g., probation violations or warrants), were also undertaken.

In practice, these reforms proved far more difficult to implement than they are now to write about. We began JDAI with five sites: Cook County, IL; Milwaukee County, WI; Multnomah County, OR; New York City; and Sacramento County, CA. Just about when implementation activities were to begin, a dramatic shift occurred in the nation's juvenile justice policy environment. High-profile cases, such as the killing of several tourists in Florida, coupled with reports of significantly increased juvenile violence, spurred both media coverage and new legislation antithetical to JDAI's notion that some youth might be "inappropriately or unnecessarily" detained. This shift in public opinion complicated matters in virtually all of the sites. Political will for the reform strategies diminished as candidates tried to prove they were tougher on juvenile crime than their opponents. Administrators became reluctant to introduce changes that might be perceived as "soft" on delinquents. Legislation was enacted that drove detention use up in several places. Still, most of the sites persevered.

At the end of 1998, three of the original sites—Cook, Multnomah, and Sacramento Counties—remained JDAI participants. Each had implemented a complex array of detention system strategies. Each could claim that they had fundamentally transformed their system. Their experiences, in general, and the particular strategies that they implemented to make their detention systems smarter, fairer, more efficient, and more effective, offer a unique learning laboratory for policymakers and practitioners who want to improve this critical component of

the juvenile justice system. To capture their innovations and the lessons they learned, we have produced this series of publications—***Pathways to Juvenile Detention Reform.*** The series includes 13 monographs, all but two of which cover a key component of detention reform. (As for the other two monographs, one is a journalist's account of the initiative, while the other describes Florida's efforts to replicate Broward County's reforms statewide.) A complete list of the titles in the ***Pathways*** series is provided at the end of this publication.

By the end of 1999, JDAI's evaluators, the National Council on Crime and Delinquency, will have completed their analyses of the project, including quantitative evidence that will clarify whether the sites reduced reliance on secure detention without increasing rearrest or failure-to-appear rates. Data already available, some of which was used by the authors of these monographs, indicate that they did, in spite of the harsh policy environment that drove detention utilization up nationally.

For taking on these difficult challenges, and for sharing both their successes and their failures, the participants in the JDAI sites deserve sincere thanks. At a time when kids are often disproportionately blamed for many of society's problems, these individuals were willing to demonstrate that adults should and could make important changes in their own behavior to respond more effectively to juvenile crime.

Bart Lubow
Senior Associate and Initiative Manager
The Annie E. Casey Foundation

Notes

[1] In 1985, white youth were detained at the rate of 45 per 100,000, while African-American and Hispanic rates were 114 and 73, respectively. By 1995, rates for whites had decreased by 13 percent, while the rates for African-Americans (180 percent increase) and Hispanics (140 percent increase) had skyrocketed. Wordes, Madeline and Sharon M. Jones. 1998. "Trends in Juvenile Detention and Steps Toward Reform." *Crime and Delinquency, 44(4):*544-560.

[2] Burrell, Sue, et. al., *Crowding in Juvenile Detention Centers: A Problem-Solving Manual.* National Juvenile Detention Association and Youth Law Center, Richmond, KY, prepared for the U.S. Department of Justice, Department of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (December 1998), at 5-6.

Chapter 1

WHY PROMOTING AND SUSTAINING DETENTION REFORM ARE IMPORTANT

Juvenile detention reform is a questionable and fragile enterprise. Building and sustaining the skill and collective will for such reform is rarely easy. Thoughtful detention policy lacks a constituency; indeed, the general public is wary of adolescents. Too often, inflamed by notorious cases, the community believes that the only problem is that too many youth are released when they should be incarcerated. Most systems are unable to counter those instincts. When horrible events happen, system leaders are unable to explain the policies and practices that govern their operations.

Without effective responses, systems are defenseless when they are questioned, either by well-meaning people or by those who cynically want to exploit a tragedy. Attacks on the system come easily because they are fueled by myths, like the following, that make reform more difficult: 1) most violence is caused by youth, 2) most youth are violent, 3) youth are "different" today, 4) detention reduces crime, or 5) judges are the problem. Those who would develop a rational, fair, and effective detention system, therefore, have enormous "external" hurdles to overcome—in the form of public and political resistance—if they are to win support and garner the resources needed to make system improvements.

All reform, including detention reform, involves changing systems. Reformers must recognize at the outset that reform will take time and will require strong leadership. Durable reform will be the responsibility of everyone in the system.

Leaders also confront substantial "internal" resistance from other stakeholders or from entrenched interests in public bureaucracies who are comfortable with the status quo and who view change as a threat. A detention center administrator who has longed for a modern facility may see crowding as an impetus for the new facility rather than for changing outdated and wasteful admissions and case processing practices that cause unnecessary or inappropriate detention. Line staff, comfortable with their traditional exercise of discretion, may view new policies as intruding upon their "turf." If true detention

reforms are to be implemented and endure, policymakers and staff must recognize that the changes make sense and will serve them well.

Promoting and sustaining reform are not mutually exclusive but rather mutually reinforcing sets of activities. Promoting detention reform refers to those activities that persuade various publics (external and internal to the system) that 1) a need for change exists, and 2) the proposed changes will meet the need. Once reforms are under way, continued promotion is needed to convince these same parties that the changes are effective.

PROMOTING REFORM INCLUDES ACTIVITIES THAT:

- clarify the need for change
- convey visions of a new system
- build initial support for change
- persuade potentially recalcitrant stakeholders that reform makes sense and can work
- deflect unwarranted criticism
- recruit new allies
- demonstrate that reforms are working

Promotion should not be confused with "selling snake oil." Although reformers certainly have important barriers to overcome, they must avoid making false promises (e.g., "We will eliminate crime through detention reform") that will only reduce the credibility of their endeavors. They must be explicit about reform's true goals. If leaders market detention reform as something else (e.g., only about saving money), the very purpose of the reform effort may change or be lost in the process.

Promoting reform, however, is rarely enough. Juvenile detention reform history in this country is filled with sleek vehicles whose high-performance engines sputtered and stalled before the race was over.

All reform, including detention reform, involves changing systems. Reformers must recognize at the outset that reform will take time and will require strong leadership. Durable reform will be the responsibility of everyone in the system.

Maintenance of detention reform requires constant attention. Those who want to create a better detention system need to confront the system's natural tendency to resist change and to revert to prior practice, especially in response to celebrated cases. They must also acknowledge that leadership in juvenile justice is often transitory, a way station on a longer career journey. Line staff, too, often move on. For these reasons, explicit strategies to sustain innovations that work must be an essential component of a genuine reform initiative. Sustaining reform refers to

institutionalizing those policies, practices, and funds that will perpetuate the new system despite turnover, celebrated cases, or political changes.

This *Pathways* will explore how JDAI sites promoted and sustained detention reforms in their jurisdictions. We will first cover how leaders got others to recognize and embrace the need for change and organized a response to meet that need, including getting the right stakeholders involved. This will be followed by a discussion of the ways that stakeholders clarified their agenda and presented it to others. We will also examine how data were used to make the case for change. Finally, the section on promoting reform will conclude with a review of what the sites did and did not do in their communications strategies and how they built support both within and outside the system.

THOSE WHO PROMOTE REFORM MUST TARGET A VARIETY OF AUDIENCES, ALL OF WHOM WILL BE NECESSARY AT SOME TIME DURING THE CYCLE OF CHANGE. THESE INCLUDE:

- colleagues within the same branch of the juvenile justice system, such as other judges in juvenile court, or line and supervisory staff in juvenile probation
- stakeholders in other branches of the juvenile justice system, who will vary according to which branch is leading the reform effort (for example, if juvenile court is leading the reform, it will need to include prosecutors, defense attorneys, and police)
- stakeholders from other relevant systems, such as child welfare or public education, who may be a source of referrals to the juvenile justice system
- elected public officials at the local or state level
- community members
- the media

The second part of this report describes the strategies that sites developed to sustain their reforms, including ways that they institutionalized policies, practices, staff positions, and funds. These sections will examine the way that simple things like clear job descriptions or revised training curricula can help make reform an enduring component of the detention system. We will also see how to make the case that such reforms are cost-effective.

The final section will discuss some of the key lessons the JDAI sites learned in their efforts to promote and sustain comprehensive detention system reform.

Chapter 2

PROMOTING REFORM

A. Establishing the Need for Reform

Sites that pursue detention reform typically require a galvanizing issue or personality to move a reform agenda. Crises can be opportune times for leaders to convey the need for change and for stakeholders to come together willingly in collaboratives. Most often the precipitating factor is crowding. Sometimes it is litigation. Other times, detention reform is begun by someone who is simply determined to do the right thing: to create a fairer, more effective (including more cost-effective) system. Although initial support for detention reform can be triggered by many forces, someone in a leadership position must take advantage of opportunities to suggest that reform is necessary, that it is valid, and that it is worthy of support.

The initial impetus for detention system reform was different in each JDAI site. In the late 1980s, Cook County's detention system had 1) no objective screening instrument to control admissions, 2) no alternative-to-detention programs, and 3) unusually long case processing times. Despite these troublesome characteristics, little attention was paid to the Juvenile Temporary Detention Center (or the detention system in general) because the center was so large—498 beds—that it was rarely crowded. Beginning around 1990, however, the JTDC population began to grow as a result of mandatory transfer (waiver) laws. Cook County officials became concerned about crowding and about the need for and cost of building new bed space. The county was ready to approach detention in new ways.

In Sacramento, overcrowding led Judge Roger Warren to empanel a group of key leaders to develop solutions. In New York City, the anticipated replacement of the Spofford Juvenile Detention Center by two new facilities with less total bed space commanded official attention and the hope that reforms would avoid a shortage of detention space when the new construction was completed. When JDAI began, Multnomah County's detention center was already the subject of federal litigation. The county was chastened by having been found to operate an

unconstitutional facility; leaders were determined to avoid such debacles in the future.

Even if they are not litigating, outside advocacy groups can provide the impetus for reform. For example, in Pennsylvania in the mid-1970s, the Juvenile Justice Center organized citizens to protest local plans to increase the size of secure detention centers. In San Francisco in the early 1990s, Coleman Advocates for Children waged a similar campaign.

Foundation support can also enable leaders to convince their colleagues that reform is worth investment. In Philadelphia in 1989, a local foundation gave a small grant to support a multiparty negotiation to resolve overcrowding in the city's detention center. The foundation suggested that negotiation was preferable to litigation, lent its reputation, and gave its money to support the alternative. Court, county, and state officials whose policies and practices affected the detention center's population thus had external support for coming together.

The Annie E. Casey Foundation supported a similar effort in Broward County (Ft. Lauderdale), Florida, in the late 1980s. Broward's detention center had been the object of litigation, and the Foundation's intervention allowed the parties to promote sustainable reforms. To plaintiffs' attorneys, the Foundation-initiated negotiations and system reforms were preferable to the tenuous change that often results from court orders.

B. Building Support for Reform

Once the need for change is established and championed by some leaders or advocates, a broader base of support is essential. To broaden the base, each JDAI site established detention reform collaboratives that brought together influential system stakeholders, often with leaders from a range of other sectors, including other human service systems, businesses, community residents, and nonprofit organizations. (For more on the formation and function of these collaboratives, see *Collaboration and Leadership in Juvenile Detention Reform* in this series.)

Many communities across the country have committees that are supposed to bring about reform. Committees alone are inadequate to the task. Effective

collaborations require an appropriate mix of strong leadership, active participants, and a spark that ignites reform.

The JDAI collaboratives were officially responsible for developing comprehensive reform plans. In reality, however, their initial deliberations served largely to expand the base of support for change, first by ensuring that key people within and outside the system had a better understanding of what was wrong and second by empowering those people to develop methods to improve the detention system.

In New York City, for example, the mayor's office empaneled a group of about 30 representatives from appropriate city and state agencies and community groups to lead the detention reform effort. At the outset, however, it was necessary to provide basic education to build support for the project. Pat Brennan, Assistant Criminal Justice Coordinator and one of the lead organizers of this effort, remembered, "Family court and juvenile detention were so unknown to people that when we had these steering committee meetings, everyone educated each other. No one knew how their own agencies operated in the context of juvenile detention, so no one minded dedicating time. They got a lot out of the process."

No single formula for promoting broad support for detention reform is "right" for all places.

By contrast, at the time JDAI started in Sacramento, the county already had an established collaborative body, the Criminal Justice Cabinet, that had been working on solutions to juvenile detention crowding. Those stakeholders had developed the beginnings of a shared agenda, and they spoke a common language. As a result, during the planning of detention reform, Sacramento made the quickest progress in identifying potential solutions to its problems. It did not have to engage in the kinds of basic education and organizing that were necessary in New York.

Cook County went through its own unique promotional stage. The initial champions of reform were leaders in the county's executive branch, which was responsible for the juvenile detention center. Although Cook County empaneled a broad collaborative like the other sites, in the early stages it did not effectively include key stakeholders, such as juvenile probation. As a result, support for change was uneven. Not surprisingly, the county's initial reform plan was unclear

and lacked authority. Subsequently, when the judiciary championed reform and all of the right stakeholders were involved, Cook County officials were able to identify critical problems and garner sufficient support to experiment with solutions.

No single formula for promoting broad support for detention reform is "right" for all places. Although experience in all JDAI sites confirms that getting stakeholders into a collaborative is critical for building support for reform, it also reveals that each jurisdiction must find its own appropriate mix of stakeholders. In Multnomah County, for example, having the editor of the major daily newspaper serve as chair of the county's "detention reform committee" was critical to early credibility and commitment by the participants. In Sacramento, the right mix for the most part meant representatives from juvenile justice agencies.

It is also crucial to have the right person represent each institutional stakeholder. JDAI sites learned that although they needed strong support from agency heads, those leaders did not necessarily have to be present at the reform table. It was necessary, however, to have surrogates present with the vision, courage, and authority to speak for the others.

C. Naming the Effort to Reach Different Audiences

Words matter. Each of the JDAI sites found a method for describing the initiative in ways likely to avoid a negative backlash while building support across juvenile justice ideologies. It was particularly important to use the right words to reach line staff, because getting the support of leadership alone would have been inadequate to move the initiative forward.

Multnomah officials promoted detention reform in order to make sure "we have the right kids *in* detention." Reform was never about *releasing* juvenile offenders. Cook County leaders, also, were clear that they were not in the business of "getting kids out of detention." Indeed, in Cook County, the phrase "detention reform" would not have been helpful. JDAI was about making "sure the right kids were in" detention.

On the other hand, in Sacramento, which pitched its effort to professional leadership, JDAI was indeed about systems reform. In fact, Sacramento decided to call its effort the "Juvenile Justice Initiative," eliminating explicit reference to

"alternatives" while embracing reform of the system as a whole. The county's leaders wanted to convey that they, not funders, were in control of reform.

Words mattered in other important ways. In each of the sites, leaders reinforced important values by insisting that words like "fair," "rational," "accountable," "objective," and "effective" become part of the rhetoric and practice of detention reform.

D. Using Data to Build Support for Reform

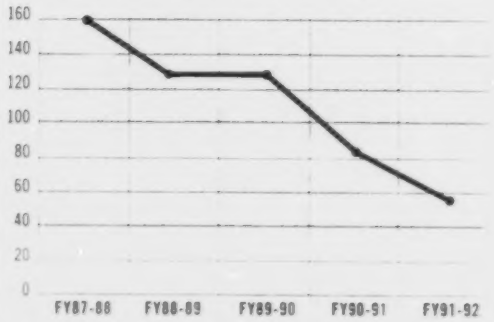
Data can play an integral role in promoting detention reform. Indeed, the JDAI sites found that some system change can result just from talking about data, because such discussion changes attitudes and develops a common need for good information. Sites had to develop a consensus about what information was needed, how it was to be reported, and how it was to be reported. The very process of making those decisions reinforced the goals of the initiative.

Data were used in a variety of ways to promote reform in JDAI sites. In its early stages, for example, the Casey Foundation shared data that showed that, without any increase in juvenile crime, Broward County significantly reduced its need for secure detention while saving millions of dollars. *(See Figures 1 and 2.)*

At the outset of JDAI, data raised questions about the effectiveness and efficiency of current detention practice. Data showed that many non-serious offenders were unnecessarily detained and that some youth were held for unaccountably long periods of time. During JDAI's planning phase, the National Council on Crime and Delinquency (NCCD) provided each site with data analyses that

FIGURE 1

BROWARD COUNTY, FLORIDA
AVERAGE DAILY POPULATION, 1987-1992



Source: Florida Department of Health and Rehabilitative Services

FIGURE 2

BROWARD COUNTY, FLORIDA
COSTS AVOIDED THROUGH DETENTION REFORM

Source: The Conservation Company

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suggested policy choices. This information included tables and charts that identified who was being detained, for how long, and for what offenses. These data often clarified that low-risk youth were being detained, thereby increasing support for reform strategies. Other analyses projected what could happen to the detention population if the status quo persisted and what impact various reforms might have on bed-use rates. *(Figures 3 and 4 are illustrative examples from an NCCD study in San Francisco, which was not part of JDAI.)* These analyses not only answered critical questions about what was really happening in the system, but also provided compelling evidence that certain changes could successfully address the problems.

FIGURE 3

SUMMARY OF BED SAVINGS ACHIEVED BY POLICY ADJUSTMENTS AFFECTING 13 SUBGROUPS OF YOUTH DETAINED IN THE SAN FRANCISCO YOUTH GUIDANCE CENTER

Subgroup and How Adjusted	Bed Savings
1. Minors who score 0-9 points on Detention Scale: reduce stay from average 2.8 to 1.5 days	3.2
2. Minors who score exactly 10 points on Detention Scale: change scale to qualify some members of this subgroup for release	3.0
3. Minors age 11 years or younger: cut referrals to secure detention by 80 percent	1.3
4. Youth age 18 and older: cut referrals to juvenile facility by 50 percent	3.2
5. Minors detained on warrants who are released prior to a disposition hearing: reduce stay from average 11 days to 3 days	9.8
6. Minors detained on warrants who are held until a disposition hearing: reduce stay from average 36.7 days to 21 days	3.2
7. Minors on home supervision: increase home supervision slots from 20 to 40 and increase average use from 12 to 40	28.0
8. Postdisposition minors awaiting private placement: reduce average stay from 22 to 20 days	5.7
9. Postdisposition minors awaiting transfer to Log Cabin Ranch: reduce average stay from 9.8 days to 2 days	2.7
10. Postdisposition minors awaiting transfer to California Youth Authority: seek CYA cooperation in reducing stay from present level of 18.6 days per youth; not presently in control of the Probation Department	0.0
11. Postdisposition minors committed to the juvenile hall: reduce stay from average 18.6 days to 0 by eliminating program	1.0
12. Probation violators detained then released before a dispositional hearing: reduce detention referrals by 75 percent and reduce average stay from 7.4 to 4 days	3.0
13. Probation violators who are held until a new dispositional hearing: reduce stay from average 32.3 days to 15 days	1.9
NET BED SAVINGS FROM ALL POLICY ADJUSTMENTS	66.0
REDUCTION FOR OVERLAP BETWEEN SUBGROUPS	(5.0)
GRAND TOTAL BED SAVINGS	61.0

Source: National Council on Crime and Delinquency.

JDAI sites also used data to promote specific reforms. In Multnomah County, for example, data analyses revealed that on any given day, large numbers of technical probation violators were in the detention facility. These data showed that probation officers were frequently using secure detention to sanction noncompliant youth. Eventually, Multnomah County developed a structured approach to respond to probation violations, one that restricted officers' idiosyncratic use of secure beds and relied instead on non-detention sanctions whenever possible.

In Cook County, data analyses revealed that youth who were issued summonses upon arrest often failed to appear at their first court hearing—

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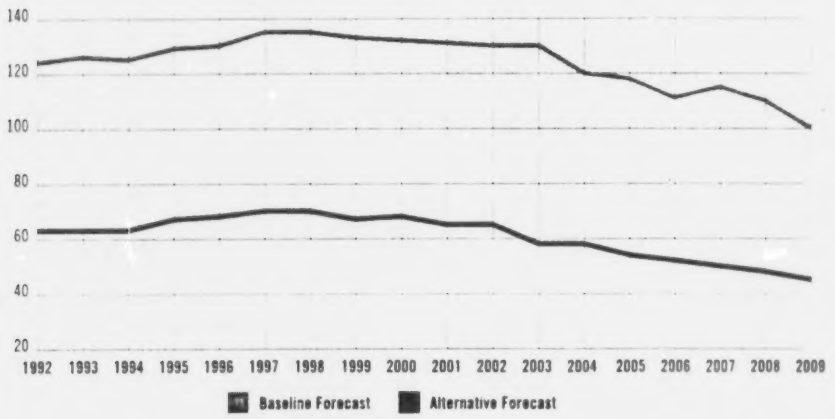
FIGURE 4

SAN FRANCISCO YOUTH GUIDANCE CENTER AVERAGE MONTHLY PEAKS: BASELINE VS. ALTERNATIVE FORECASTS



Source: National Council on Crime and Delinquency.

usually scheduled eight weeks later—resulting in large numbers of bench warrants. When these youth were subsequently returned to court, the outstanding bench warrants virtually assured that they would be placed in the detention center. Based upon these data, Cook County officials developed a series of reform strategies, including a court notification program and more timely first appearances, that reduced the likelihood that youths would fail to appear.

USING DATA TO PROMOTE REFORM

All JDAI sites used data throughout their initiatives. They found that data use:

- gives stakeholders a common understanding of the problem
- illuminates changes that can be made without increasing risk to the public
- shows how a menu of proposed changes in policies and practice will affect long-term projections
- demonstrates, through cost-benefit analysis, how thoughtful reform can save funds over time.

USING DATA TO SUSTAIN REFORM

Sites also used data to keep reforms going. They found that data use:

- provides critical information about how alternative policies and practices are working
- informs policymakers when policies are not working, at the same time suggesting where changes must be made
- shows the relative cost-effectiveness of reform strategies
- reinforces political support for reform.

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E. Promoting Support for Reform Within the System

Even the best reforms can be thwarted by line staff and supervisors if they are so inclined. Leaders will inevitably be tested. To be successful, any leader must promote the initiative with staff early and often.

One of JDAI's fundamental objectives was to improve conditions of confinement. At the Cook County juvenile detention center, reform was at first hard to sell. When Jesse Doyle arrived as superintendent, he sought to change the center's mission from providing "custody" to providing "custody and care." To do so, he brought in representatives of the entire detention center organization for retraining, from recreation staff to custodial, clerical, and food service. These trainees then became adjunct trainers whose goal was to change the culture of the detention center. "We invited the union in," Doyle observed. "The more the union steward came inside, the more he saw the dynamics of planning, training, activating. He became an adjunct trainer."

In Sacramento, John Rhoads, administrator of the juvenile hall, persuaded the detention center staff to give up pepper spray, for some time a primary instrument of control, by training staff in dispute resolution and crisis management and by implementing a behavior management system. Much of the training was developed by a juvenile hall psychiatrist. Without these innovations, it was unlikely that staff would have had the confidence to relinquish the pepper spray on which they had so heavily relied. With them, the facility became a safer, more caring environment.

Even if other stakeholders lack authority to make final decisions, valuing their input and advice can build support for detention reform. For example, Sacramento involved police in developing detention admissions criteria. Probation and court officials met with all officers to explain the new judicially promulgated eligibility criteria and their recommended application. An instructional video was prepared and shown at precinct roll calls throughout the county.

In Multnomah County, probation staff were reluctant to rely on the new risk assessment instrument because it would mean relinquishing cherished discretion. When the risk assessment instrument was first implemented, probation staff would often override it, or they would appear at detention hearings to contradict

its recommended course of action. This resistance added confusion to the system and produced more arbitrary and inconsistent decisions. Eventually, administrators in the juvenile probation agency empowered staff to recommend revisions to the risk assessment instrument and to explain those changes to their colleagues. The result was an instrument that had the support of most line staff and that could be consistently applied.

By contrast, New York City spent many months and dollars conducting research to revise the admissions screening tool used by Department of Juvenile Justice staff. The tool was to be used to determine the level of custody for youth brought to the detention center by police. However, once the research was completed and the new screening instrument delivered, intake staff resisted following it. They did not feel that they would be supported in making decisions based upon the new tool. They knew that the "safest" course of action was to detain youth at Spofford. Thus, New York wasted time and money because leaders insufficiently promoted a critical reform strategy in-house.

JDAI sites also had to imbue new employees with the values of reform. Some sites used the hiring process itself to instill the initiative's values. As New York's Mary Ellen Flynn, assistant commissioner of the Department of Probation, noted, "It is important to recruit staff whose philosophy is consistent with your initiative." Al Siegel, deputy commissioner of the Department of Probation, cited the importance of working with unions to write job descriptions for new positions.

It is just as important to redefine existing positions in order to promote reform. In Sacramento, said Assistant Chief Probation Officer Robert Lyons, "We renamed positions consistent with the initiative's philosophy and new job duties."

Mike Rohan, director of Juvenile Probation and Court Services in Cook County, noted that leadership worked with the union to move 10 percent of the probation staff from postadjudication work to front-end work. By working with union leadership, line probation staff got the message that the entire system's leadership was behind the change. Rohan observed:

> *By transferring a large percentage of juvenile probation officers from postadjudication supervision to front-end work, the probation department was able to augment the number of Release Under Recognizance officers, had more*

probation officers supervise home confinement, and assigned additional probation officers to evening reporting centers.

The union in Cook County liked the transfers, which gave probation officers great job satisfaction. Probation officers interacted more with youth, developed rapport, and saw them in a neighborhood context. Department leadership asked the union and some home confinement workers to work in neighborhoods on a trial basis. The line officers were "sold" on increased safety as they went into high-risk communities to work with juveniles in programs. Travel was reduced, but more children were visited inside structured diversion programs.

Cook County leadership gives credit to line staff and allows line staff to have wide press coverage. Probation officers who are empowered and recognized are thus always marketing to their fellow officers.

F. Training to Promote Detention Reform

In the JDAI sites, training was used to impart values and to clarify the need and potential for change in order to build support for the initiative among justice system stakeholders. Training was also used to teach specific operational skills and techniques essential to implementing reform strategies.

At the outset of Sacramento's venture, the JDAI planning team visited Broward County, Florida. They talked with detention system officials there, learned about Broward's success, and returned with enthusiasm for reform. The planning group then arranged for a retreat for all the system's leaders. Members of the steering committee, along with outside consultants, made presentations, facilitated open discussions to bring disagreements to the surface, and described the preliminary reform plan. Yvette Woolfolk, who became Sacramento's Juvenile Justice Initiative Project Coordinator after the retreat, said that JDAI leaders remained excited years later about the session that had focused attention on "ideas and concepts." The Sacramento retreat is a good example of how training can make a general contribution to promoting reform.

Sacramento also provided essential "skills" training on one of its key reforms: judicial criteria for detention eligibility. To teach police about the new criteria, juvenile probation officers and judges produced a training video that was shown at roll call at each law enforcement precinct. Probation officers also conducted

face-to-face briefings and provided written materials. These efforts ensured that police would not bring ineligible youth to the juvenile hall for booking. And, as Woolfolk noted, "This let them know they had a say in the process."

In Cook County, the probation department, with its steering committee partners, designed a series of new alternative programs. Because judges were reluctant to yield discretion on which youth would be placed in which programs, it was essential that the purposes of the different components of the new continuum be well understood. Judges, in particular, needed to know the intended target population for each program. Before each new program was implemented, therefore, top-ranking probation officials held luncheon training sessions with all of the judges hearing delinquency cases. They carefully described program purposes, components, and criteria for admission. They provided written materials. On occasion, when judicial assignments of youth to the programs appeared inconsistent with the JDAI collaborative's original purposes, leaders undertook "retraining" (often cast as "program updates").

In Multnomah County, leaders of the detention reform initiative recognized that its numerous new policies and programs would require training of the parties to the adversarial process. For example, defense attorneys needed to know about the risk assessment instrument that would guide admission decisions, if for no other reason than that it would be impossible to advocate effectively for their clients if they did not understand the new bases for probation's detention choices. Therefore, with the support of the various contract defender offices, an all-day training seminar was held that not only provided information but offered continuing legal education credits. Local staff and consultants explained the new policies and procedures. Defense counsel discussed implications of the changes for the way that they represented their young clients.

There was a steep learning curve for the system's leaders to come to grips with issues of reform. We were introducing new language and thinking and a new concept of evaluation. It takes awhile before these ideas get integrated and folks can make sense of them and use them.

—John Rhoads, former Deputy Chief Probation Officer, Sacramento County

G. Developing a Communications Strategy

In hindsight, JDAI leaders now believe that communications should be part of any comprehensive reform agenda. A communications strategy is a planned approach

to conveying themes to relevant audiences. It involves more than publicity or public relations. For example, communicating the vision of reform might be done through an agency's annual report or budget message as well as through press releases or talk radio. Communications, in short, involves all methods of influencing public opinion.

A communications strategy requires clear messages, which in turn requires knowledge of the target audience. Detention reform's audiences are many: the community at large; elected officials; policymakers; and the line staff who make daily decisions, such as juvenile probation officers. Developing audience-specific messages is a challenging endeavor.

JDAI sites were unprepared to implement a communications strategy. The leaders of the reforms were justice system professionals, not media consultants.

Significant arguments exist for not over-publicizing potentially controversial reform endeavors like detention reform. As Mike Mahoney, president of the John Howard Association and a member of the Cook County JDAI Executive Committee, said, "You don't call a press conference until there's good news, and then be sure to include politicians."

In New York City, JDAI leaders generally felt that the tabloid quality of much of the daily print media meant detention reform would only be covered when a terrible crime happened. Thus, the city intentionally made no effort to publicize its reforms. One exception came with the opening of the city's "Expanded Alternatives to Detention Program," a 12-hours-per-day center that provided comprehensive supervision and services to youth who would otherwise be held in secure detention. The opening of the first center was brought to the attention of the editorial board of the *New York Times,* which published a supportive editorial endorsing the program. This coverage was later helpful in ensuring fiscal and political support for the opening of three similar centers.

In general, JDAI sites were unprepared to implement a communications strategy. The leaders of the reforms were justice system professionals, not media consultants. Few, if any, of the agencies had public information officers to move their agenda. In retrospect, some of the consequences are humorous. For example, in Sacramento, some withering coverage of juvenile justice reforms by newspapers

and television prompted the JDAI steering committee to help the presiding juvenile court judge frame a thoughtful response. His five-page letter, however, violated just about every rule of communicating through the public media, especially the admonition to be brief and on point. His reasoned reply to the media's criticisms received no media coverage at all.

After the implementation phase of JDAI began, media consultants were hired to help the sites. They provided the sites with a media "tool kit" (see box below) that offered concrete advice on a range of strategies from approaching reporters to issuing news releases. But the sites incorporated neither these materials nor the related advice into their repertoires, in part because they lacked personnel who could perform these functions and in part because key stakeholders were generally uncomfortable with these types of activities.

Although the JDAI sites did not develop effective communications strategies, many wish that they had. As John Rhoads, former deputy chief probation officer in Sacramento, recently reflected, "It might have been helpful if working with the media had been part of the original JDAI game plan. But you can't catch up with media when you don't know where you're going, or when you're well into the initiative."

INFORMING THE MEDIA THROUGH A PROACTIVE STRATEGY

Midway through JDAI, Casey Foundation consultants provided JDAI sites with a media "tool kit," a compendium of communications. Its introduction defined its purposes:

> *As you know, juvenile justice policy debates are too often driven by sensational anecdotes rather than reliable data. The problems we are dealing with are complex and often appear intractable. The language we speak is filled with words that are unfamiliar to the public, with subtleties that reporters seem deliberately to gloss over . . . .*
>
> *Because we are involved in a reform initiative that is inherently controversial, it's inevitable that these projects are going to generate press attention. We believe that the best approach is a proactive one that starts a conversation and educates reporters who cover these issues: What is the problem? Why does it need fixing? and What is our initiative doing about it? . . .*
>
> *This package is intended to help you tell your story the way you want to tell it . . . . You should treat it as a toolbox, using the pieces you need and modifying them to suit your particular circumstances.*

INCLUDED IN THIS PACKET WERE THE FOLLOWING TOOLS:

- Strategies for Approaching Reporters
- How to Arrange Editorial Board Meetings
- How to Get on a Radio Talk Show
- Preparing for an Interview
- Media DOs and DON'Ts
- Sample Talking Points
- Using Local Data and Analysis
- Providing Informational Tours
- Preparing for a Media Crisis
- Sample Press/Information Kit
  - News Release
  - Fact Sheet
  - Charts and Graphs
  - Q&A
  - Op-ed and Cover Letter
  - Media Contacts

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Chapter 3

SUSTAINING REFORM

It is just as important to spend the time and money to sustain a reform as it is to launch it properly in the first instance. Backlash, burnout, departures, and the erosion of shared values have routinely led promising initiatives to a junkyard piled high with failures. On the other hand, long-term successes have had the energy, wisdom, and resources necessary to make the transition from promoting to sustaining reform.

No bright line can be drawn between promoting and sustaining a reform effort. Many of the activities that serve one goal also work on behalf of the other. Thus, much of what follows will be required to promote reform in the first instance, and many of the strategies described above will be repeated, sometimes in new forms, as jurisdictions endeavor to keep detention reform vibrant and durable.

No bright line can be drawn between promoting and sustaining a reform effort. Many of the activities that serve one goal also work on behalf of the other.

Detention reforms are fragile for at least four reasons. First, there is enormous turnover in juvenile justice systems. Because reforms can be undermined by many stakeholders—the intake officer at the detention center, the recent law school grad in the district attorney's office, the judge rotated into juvenile court from the criminal bench—constant personnel change will threaten innovation.

Second, detention reform involves a risk management system that is vulnerable to celebrated cases and political attack. Immunizing the system against such cases requires booster shots. Leaders, therefore, must be able to articulate clearly the rationale for the reformed system's policies and practices and must frequently produce and disseminate outcome reports to instill confidence in their work.

Third, times change. A detention system must be flexible, for example, so that alternatives can be re-arranged to accommodate an influx of female offenders, or drug users, or children with mental health problems. To sustain reforms, stakeholders must be able to demonstrate their continued relevance over the long haul or be prepared to make appropriate modifications. Data are key to these efforts.

Fourth, budgets change. Strategies designed to sustain reforms are required to insulate key components—such as detention alternatives, probation staff, or detention expediters—from budget cuts. County budget officers who have been brought into the detention reform loop are less likely to damage the initiative than those who are unaware of the reform's existence.

These pressures on detention reform require continuous promotional efforts to sustain the initiative. Strategies to overcome these challenges are discussed below.

A. Handling Leadership Transitions

All stakeholders are important. In each site strong leaders emerged from each branch of government. When those leaders moved on, sites had to gain the support of their replacements. Sometimes that was easy–for example, when new leaders were more supportive of reform than their predecessors. At other times, however, it was difficult to transform leadership turnover into an asset.

Perhaps no leader is more important to detention reform than the chief juvenile court judge.

Perhaps no leader is more important to detention reform than the chief juvenile court judge. It is particularly important to pay attention to turnover in that position and to engage new court leadership quickly.

In Sacramento, four new chief judges have succeeded one another over the course of JDAI. Each built upon his or her predecessor's work and moved the agenda ahead. Transitions occurred in an orderly way, with sufficient advance planning so that each incoming judge could become familiar with JDAI. Indeed, very explicit orientations were held for new presiding judges before they assumed office. Each new judge also received a training manual that included a chapter on JDAI. After each new presiding judge assumed office, foundation personnel and technical assistance providers traveled to Sacramento to answer questions, to emphasize key project tasks that required sustained leadership, and generally to reinforce the significant role that the judge would play. These efforts always led the new presiding judge to stamp the initiative with his or her own unique additions to detention reform. Because the position of presiding judge is highly valued in Sacramento, the juvenile court got excellent leaders. JDAI's collaborative approach provided each new presiding judge with an opportunity to promote efficiency and

effectiveness. Every new chief judge, therefore, saw JDAI as a platform for other changes and became a strong proponent.

B. Maintaining Shared Values

Shared values must extend horizontally, that is across systems and organizations. In Cook County, some joint training was done for judges, state's attorneys, and public defenders. The head of the juvenile division of the state's attorney's office, Cathy Ryan, addressed probation management meetings. So did the superintendent of the juvenile detention center, Jesse Doyle, who also held open houses for other stakeholders.

Shared values must also extend "vertically," that is within systems or organizations, in particular to ensure that front-line and mid-level supervisors support reform.

> *In Cook County, management worked with the union to redirect staff without increasing caseloads. One tenth of our probation officers have been moved from postadjudication work to front-end work. This was not an easy task. We have a union, a very strong union, and a lot of excellent officers. They wanted to know how this was going to help them.*
>
> *What we've done, through marketing and training, is to let them know that the state and judiciary supports reform. We've had our meetings to say this is a system-wide reform, everyone supports it, here's your role. Then what we've done is—and this is important, because our union is very strong in Chicago—we let the officers and the supervisors shape their job definition.*
>
> *We have a lot of officers who were very concerned about how the reform would impact them. They have now taken on different roles, roles they never did before. It's worked. The union now supports reform. We've incorporated it into our mission statement and into our objectives.*
>
> *Our department objectives come out every six months. We put them out on the floor, and we make sure that the officers and the union support them. We have leadership within the department, so it's not driven by personalities. There's a lot of ownership of the initiative within our department.*
>
> —Mike Rohan, Director of Juvenile Probation and Court Services, Cook County

It also helps to create new cross-system structures such as small crisis management groups, case review teams, or subcommittees to oversee the reduction of disproportionate minority confinement. Every JDAI site had subcommittees whose continuity nurtured and sustained reform. In Philadelphia in the early 1990s, two such structures were created to implement a newly negotiated detention reform plan. In the first, the top officials from the juvenile court and from key state and city departments met monthly to review policy issues. The policy group focused on "big-picture" issues, such as the need for regulatory reform, system refinancing, and system redesign. Leaders also created a second working group, designating staff who met monthly as an "operations" group to review implementation snags. The second group reviewed such issues as problems associated with "step-down" hearings (moving youth from more secure to less secure settings) conducted by the juvenile court, the sheriff's recalcitrance in providing transportation to detainees who were supposed to go to placements on the other side of the state, and the speed with which paperwork was completed in order to move children out of detention. The two working groups were effective for a brief period of time.

Data help to sustain the new system by objectively showing how it is doing.

However, the Philadelphia experience reveals how fragile such structures can be. Both working groups dissolved after a year or two. Momentum was lost by turnover and government crises, which led to canceled meetings. Short-term success gave the illusion that solutions were permanent and that the groups didn't need to meet as frequently. Parts of the system that had developed shared values began to point fingers at each other. When "crises" disappeared, the hundred miles between Philadelphia and the state capitol became an obstacle to scheduling meetings. Then leadership changed in the court and in state and city government. New leaders were not passionate about maintaining the meetings that at one time had ensured successful continuation of detention reform. The meetings stopped, and over time the detention center population rose to record highs. It took years for new leaders to again bring the detention population under control.

On the other hand, in Broward County, weekly case reviews helped sustain the momentum for reform by reinforcing the values that had led to success in the first

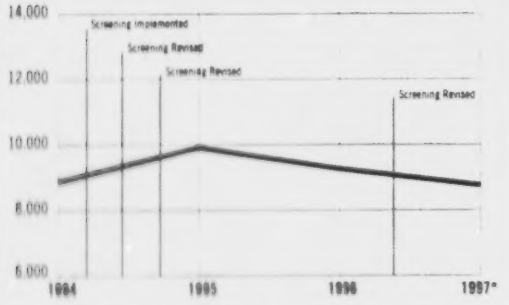
instance. In these sessions, stakeholders review each case in detention, discussing possible alternatives or expectations for release. Because these reviews hold individual staff members accountable for taking prompt action, good policies and practices are consistently reinforced.

C. Using Data Constructively

Detention reform is easily disrupted, especially by new trends and notorious cases. A jurisdiction must have good data and a culture of using those data to resist management by anecdote and to make strategy modifications when appropriate.

FIGURE 5

COOK COUNTY
NUMBER OF YEARLY DETENTION ADMISSIONS, 1994-1997



*An estimate based on the first six months of 1997.

Source: PROMIS Detention Database

Data help to sustain the new system by objectively showing how it is doing. For example, because of accessible, informative data, all Cook County stakeholders knew that the county's original risk assessment instrument was having the unintended consequence of increasing admissions to secure detention. The county team made adjustments. Data then confirmed that the new instrument was helping staff make better decisions as the detention center population decreased. *(See Figure 5.)*

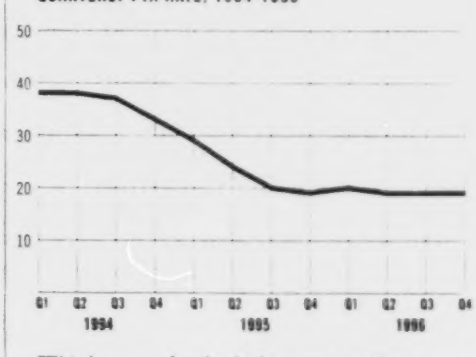
To reduce the vulnerability of detention reform, Multnomah County has linked its risk assessment instrument to ongoing data analyses. The instrument is used at two decision points. It is used at intake for admissions decisions and, if the child is held, it is used at the preliminary hearing the next day. After the spring 1998 school shooting in Springfield, Oregon, Multnomah County adapted its intake criteria so that any firearm possession resulted in an automatic "hold" until the preliminary hearing. The county decided, however, to collect data for six months on that policy and then seek consensus on whether it needs to continue.

No data are more valuable for sustaining detention reforms than those showing that new policies or practices are achieving desired system outcomes. For detention systems, the key outcomes to measure are failure-to-appear (FTA) rates

and rearrest (while pending adjudication) rates. In JDAI sites, these data were never available prior to the initiative. Subsequently, as they became available, these data enabled the sites to win support for continuing the initiative's programs.

For example, in Cook County, one key problem noted during the initiative's planning phase was a high rate of FTAs at first court appearance for youth who were not brought to detention. Some of the planners viewed these negative outcomes as suggesting that the county needed to issue fewer summonses to alleged delinquents and to detain them instead. Others argued that it might be valuable to experiment with alternative ways to reduce the FTA rate before putting more youth in an already overcrowded detention center. A series of new practices emerged, including shortened time between arrests and first appearances and a "court notification program" that automatically sent letters reminding youth and parents of the forthcoming court date. When Cook County was able to produce FTA outcome data *(see Figure 6)*, the JDAI Executive Committee was convinced that their interventions had worked. The committee was also able to ensure sustained funding for these new operational components.

FIGURE 6
COOK COUNTY
QUARTERLY FTA RATE, 1994-1996



FTA is the percent of youths who do not appear at either a probable cause (36-hours) hearing or a disposition hearing.
Source: Clerk of the Court electronic docket.

Similarly, in Sacramento, where new admissions practices and greater use of alternatives to detention programs had raised concerns about increased risks to public safety, longitudinal rearrest data allayed those fears by showing that as detention use declined, rearrest rates also went down. *(See Figure 7.)*

D. Training to Sustain Reform

We saw above that training is a powerful vehicle for imparting values and building enthusiasm for reform. In addition, when a reform is no longer new, training is crucial to retain support among the system's stakeholders.

For example, in Multnomah County, Detention Reform Initiative Coordinator Rick Jensen used a committee called the "Detention Reform Team" (DRT) to lead

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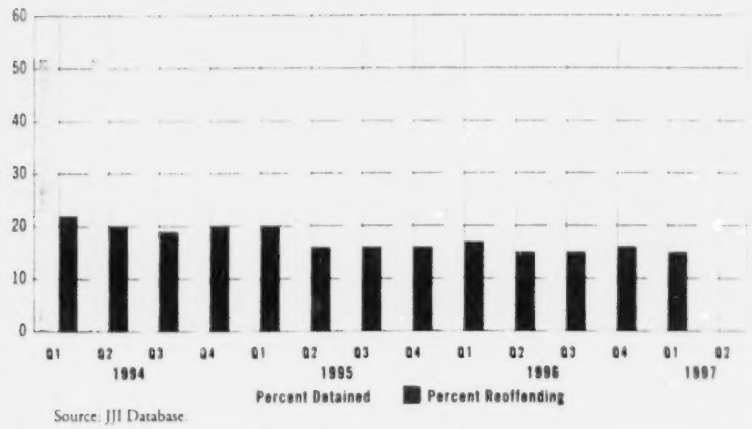
implementation efforts and to provide intradepartmental training for supervisors and staff. Jensen noted, "By making people responsible for creating and implementing the initiative as a whole, we were able to convert lots of people. The result is that there are now enough people in key places to keep the initiative going."

FIGURE 7
SACRAMENTO COUNTY
PERCENT OF DETENTION REFERRALS
ADMITTED AND QUARTERLY REOFFEND RATES, 1994-1997



Source: JJI Database

In Cook County, Mike Rohan, director of Juvenile Probation and Court Services, said, "Our training was about putting a culture and values in place." Rohan installed a basic core curriculum for all new probation staff. It reviews all policies and procedures for detention screening, for the use of alternatives, and for stepping down youth from higher security to lower security programs. Leaders also conduct quarterly meetings with supervisors and semiannual meetings with the probation department's geographic divisions to reinforce the purposes of detention reform, to review methodology, and to see how probation officers are doing.

E. Putting Reform into Legislation

Codifying reforms in state law is a difficult and high-risk strategy. This is the lesson, for example, of states' efforts to legislate sentences or sentencing guidelines in the adult criminal justice system. Politics often shift the weight of legislative opinion toward more incarceration, not less.

Even so, Florida in 1991 took Broward County's voluntary admissions criteria and put them into law. This involved a solid marketing effort with state legislators. Led by retired Juvenile Court Judge Frank Orlando, juvenile justice reformers gave

"ownership" of the new law to legislators. This experience shows both the potential for legislative action and its risks. When a series of high-profile crimes occurred about two years later, some of the best aspects of the law were changed, driving detention use back up.

F. Making a Fiscal Case for Reform

All reform comes with a cost.

When budgets are tight, it is often difficult for political leadership to invest new money to reform systems. True detention reform, however, leads to lower long-term costs. The JDAI sites showed that they could create high-quality programs, reduce unnecessary secure detention, and save money.

Successful detention reforms have shown that enormous savings can come from maintaining secure detention centers at or below capacity. These systems avoid overtime costs and the costs of new construction. In Broward County, Florida, in the late 1980s, investment in new alternatives, a detention expediter, new information systems, and extensive training led to an overall savings of almost $1.5 million over a five-year period. Those savings were reinvested in the reform effort. *(See box on next page.)*

In the JDAI sites, the initial investment capital was provided by the Casey Foundation. Sites used the grants to invest in information systems, produce risk assessment instruments, do training, and develop alternatives to secure detention.

In at least one site, Cook County, it was politically important that new money be directed to community-based services rather than to hiring new government employees. This wise act helped create a new constituency for the JDAI effort, and it was a relief to the county board that it didn't have to create new county positions. JDAI leaders in Cook County asked those community groups to testify at public hearings on the budget when the time came for the county to absorb the costs. Politicians went out of their way to allow community activists to testify and praise detention reform. Soon, politicians were lobbying each other for programs that would serve their own communities.

Sacramento County used much of its Casey grant to support new staff positions rather than new programs. For example, Sacramento hired an "expediter" to

monitor detention use and speed releases whenever possible, increased staffing in its placement unit to reduce lengths of stay for youth awaiting residential placements, and hired an "advocate" for the public defender's office to enhance defense representation. When seeking county support for these positions after foundation funds were expended, Sacramento detention reform leaders were able to document the number of cases that the expediter handled and the number of bed days saved by the placement unit staff, eventually turning those numbers into actual dollars saved.

BROWARD'S EXPERIENCE

As a result of severe overcrowding and excessive lengths of stay, Broward County's juvenile detention system had been the subject of litigation. In 1987, Broward's "system" was a single, overcrowded secure juvenile detention center. To resolve the lawsuit, Broward participated in a five-year intensive, multipronged conversion effort that dramatically reduced its secure detention population (and the capacity of its detention center), brought lengths of stay within legal limits, created a mix of detention alternatives, and significantly reduced its long-term operating costs, all of which were accomplished without jeopardizing public safety. . . .

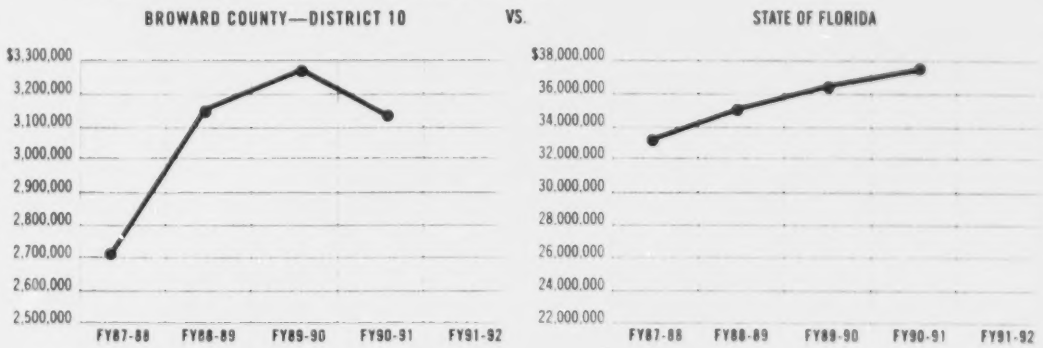
It is a significant indication of the success of the system conversion that not only did the number of children in the [new] nonsecure detention programs increase while their length of stay in the programs decreased, but also that the percentages of youth being returned to secure detention and/or charged with new violations also decreased.

The success of the Broward conversion depended upon [funding] a number of transition costs that historically have been ignored by those who develop alternatives to juvenile detention centers. Costs included developing: a consensus for change; a risk assessment tool; a system of advocacy for individual detainees; alternatives to the point that they were fully operational; a management information system for tracking and evaluation; a training program for stakeholders; a system for recapturing federal revenues; and a system of communicating with the public about the merits of the transition.

Building Bridges: Strategic Planning and Alternative Financing for System Reform, The Conservation Company and Juvenile Law Center (Philadelphia, 1994).

FIGURE 8

CHANGES IN REAL COSTS OF DETENTION SYSTEM



NOTE: Total Real Detention Costs = Secure + Nonsecure Detention Costs.
All figures are adjusted for inflation.

The public defender's office, on the other hand, found it difficult to make the case for its new position. The nature of detention practice in Sacramento had limited the utility of the advocate's position, especially because the expediter's role grew to cover cases that the advocate had originally been expected to handle. Absent demonstrable cost savings (in the form of cases diverted or released from detention), neither the public defender nor other JDAI leaders were inclined to seek county funding.

Multnomah County folded several programs into its budget and expanded them. An early day reporting center wasn't successful, but county officials believed the model to be good. It demonstrated enough success that the county general fund now pays for one day reporting center that is connected with an alternative school. The county has established two more such centers in satellite counseling offices. Multnomah has also established and budgeted for a case expediter, a shelter program, and a community detention program whose use is tied to the county's risk assessment instrument. In each instance, the county board was convinced that the new programs and positions reduced long-term expenditures by avoiding costs that would have been incurred if additional secure beds had been built and operated.

G. Creating Tools to Sustain Reform

There is no clearer example of how "tools" can help sustain detention reform than the decision to use risk assessment instruments in the JDAI sites. These instruments reflected a basic procedural shift—a distancing from idiosyncratic, subjective admissions decision-making to risk-based, objective screening. Each system now formally acknowledges that its instrument will guide the vast majority of admissions decisions. Staff are trained to use it. Judges, prosecutors, and defenders have learned how they are scored. Advocacy and judicial decisions are now generally predicated on what the instruments reveal. The instruments provide ongoing quality control that supports detention reform, consistently reminding the parties of detention's purposes.

However, risk assessment instruments cannot be expected to sustain reform if they become outdated and therefore less useful. For that reason, sites need to

reexamine regularly their instruments based upon detention outcomes. If FTA rates are rising, it is imperative to determine whether the risk assessment instrument is at fault (as opposed to, for example, lax supervision in alternatives or lengthy delays before adjudicatory hearings). If it is, sites must determine the adjustments to the scoring system that could reduce FTAs again. Making necessary revisions not only ensures sustained good systemic performance, but also reinforces the overarching purpose of detention reform: to develop and operate a more efficient, fair, and effective system.

Risk-based population caps can also serve like a thermostat to control secure detention center populations. In Multnomah County, a court-ordered population cap had governed the old detention center. When a new center was built, the local culture adopted the old court-ordered population cap and tied the cap to the new capacity management system. Multnomah is unusual in that the juvenile court delegated to juvenile probation officials (who operate the detention center) the authority to manage the cap, which was imposed by the court in the first instance.

Multnomah County offers another example of a tool that can sustain reform. There, data consistently revealed that high numbers of violators of probation (VOPs) filled the detention center. Various efforts were made to reduce this usage, including official admonitions and the implementation of alternative programs (which were eventually dropped because they were underused). In 1997, however, department staff developed a "sanctions grid" to govern what probation officers could do when youth violated the terms of their supervision. The grid established clear and limited options for VOP cases. The effect was to reduce dramatically the use of detention as a VOP sanction. Because implementation of the grid was accompanied by supervisory reviews of individual actions, the grid had a built-in accountability component that consistently reinforced the new policies.

H. Institutionalizing Policies, Practices, and Positions

Each of the JDAI sites found ways to ensure that its detention reforms would be durable. They accomplished this by institutionalizing reforms in written policy and procedure manuals and by creating permanent positions.

Policy and Procedure Manuals

Sacramento revised its operations manual to reflect JDAI policies. Sacramento also put in place a manual for new judges that includes a chapter on JDAI. Law enforcement offices adopted detention admission criteria as part of operational orders.

In Cook County, all policies and procedures have been reduced to writing and distributed to stakeholders. The presiding judge of juvenile court reviews each policy and procedure and sends it to the systems' stakeholders. It is then reviewed and disseminated to relevant agencies. Probation has a policy and procedure manual that is distributed to each probation officer.

Multnomah created a new, detailed policies and procedures manual for detention. The manual is a clearly written "how-to" looseleaf binder that covers intake and risk assessment, case processing, community detention and policies on FTAs, and automation concerns. Hundreds of copies were printed and distributed to every employee for training in groups of 40. The manual was developed with input from staff, supervisors, and management, which are charged with constantly revisiting and updating their sections.

The Multnomah model—having stakeholders and line staff develop policies and procedures—maintains enthusiasm for detention reform and ensures that management is always learning from line staff about barriers to sustaining reform. Rick Jensen, Multomah's detention reform coordinator, noted, "Using the manual, everyone in our department was trained by peers. We each have to do what it takes in our own culture. For detention reform you need a cultural anthropologist, not a project manager, because you have to understand the culture to change it. This is much more than just changing policies."

Job Descriptions to Ensure Continuity of Reform

Written job descriptions convey responsibilities while promoting the values that fuel the reform effort. Sacramento County created a job description for a detention release expediter who "is responsible for monitoring the Juvenile Hall Population on a daily basis and the movement of minors between institutions." As

the brief excerpt reprinted below reveals, the description not only gives job duties, but also sets monthly goals for the number of alternative detention recommendations and reduction in average length of stay.

JOB DESCRIPTION
DETENTION RELEASE EXPEDITOR
Sacramento County, CA

Purpose

The Detention Release Expediter is responsible for monitoring the Juvenile Hall population on a daily basis and the movement of minors between institutions. The Expediter focuses on securing alternative releases for targeted pre- and post-disposition populations currently being detained in Juvenile Hall. The Expediter also coordinates case level information between all elements of the juvenile and adult systems in order to facilitate the releases of those targeted minors.

Target Population

The target population includes minors detained beacuse the parent(s)/guardian(s) refuse to accept the minor back into the home, and/or minors detained while awaiting their court hearing (detention, jurisdiction, disposition). It also includes minors who are awaiting transfer to adult criminal court and wards who are committed to the California Youth Authority (CYA).

Goals

- Make at least 100 alternative detention recommendations per month to the Court for pre-adjudicated detainees who are candidates for early release.
- Bring about a three-day reduction in the average length of detention between the commitment date and the transfer of youth committed to the CYA.
- Bring about at least a 10-bed reduction in the average daily population or pre-adjudicated youth detained in the Juvenile Hall.

Outline of Duties

I. Monitors and tracks the Juvenile Hall population. Updates and inputs relative juvenile and court data into the automated tracking system—Expediter Caseload Data Base.
II. Prepares Modification Orders for pre-adjudicated minors with a recommendation for an alternative release by the Detention Release Expediter.
III. Reduces the average length of detention time between the commitment date and the transfer of youth to the CYA.
IV. Prepares request for transfer of minors to the County Jail pursuant to Welfare and Institutions Code section 707.1.
V. Prepares request for transfer of minors to the County Jail pursuant to Welfare and Institutions Code section 208.1.
VI. Expedites Transfer Out Cases to other counties and/or other states.
VII. Oversees the handling of all extradition matters.
VIII. Prepares caseload reports and statistical reports.
IX. Performs Miscellaneous Tasks.

Chapter 4

LESSONS LEARNED

1. Collaboration is needed to build consensus. All system reform is difficult. Detention reform is particularly hard—first, because the enterprise of juvenile justice is an unusual "system": no single entity controls the entire juvenile justice pipeline. At many points along the pipeline, many interactive decisions have effects that ripple through the entire system. Any decision, no matter how remote, can affect detention populations. Second, detention reform is difficult because it is impossible for someone at the secure detention center to make all of the changes necessary to control the building's census. Indeed, the director of the building often has the least control over its population.

Every collaboration involves some sort of negotiation, and every negotiation involves persuading someone about values. Negotiating a consensus is not easy, but doing it properly will recognize the interests of all stakeholders in a way that is most likely to lead to systemic success. For this to occur, those who promote reform must identify the "right" group of stakeholders, who in turn must be clear and honest about their interests.

Interests in a negotiation about detention reform may include goals such as ensuring a youth's presence at trial and reducing the likelihood of re-arrest before trial. But judges may also have an interest in not seeing their names in the paper when a nondetained youth commits a crime. Politicians have an interest in re-election. Community groups have an interest in public safety, but they also have an interest in an unbiased justice system.

Thus, as reform leaders promote change and seek to sustain it within their systems, they must be sensitive to the interests of the stakeholders that they seek to persuade. Collaboration was the vehicle that worked best for these purposes in the JDAI sites.

2. The juvenile justice system must have the capacity to bring policies, programs, information systems, and staff skills into alignment with consensus values about detention. Reforming detention is also hard because the many decisionmakers who affect the size of the secure population so often lack shared

values. Juvenile justice systems are constantly reinventing their missions and the goals of their parts, such as secure detention. Missions vary from jurisdiction to jurisdiction and even within jurisdictions. Some states use detention for punishment, for holding children who need mental health treatment, or for "teaching children a lesson." The effort to promote reform must challenge current usage to develop shared values about the proper use of detention. Leaders must then find a way to sustain reform by having policies, programs, information systems, staff deployment, and training all work in support of those values.

3. The system must have the ability to maintain its integrity while responding to unexpected events, to internal change, and to external challenges. In order for system reform to be sustained, it must be adaptive. Sound detention policies, practices, and programs should be able to accommodate a spike in arrests for serious offenses. When sound risk management decisions turn out badly, leaders must be able to justify those decisions to the public. They need to win over new employees, from line staff to judges. They must withstand the assaults of politicians who may not understand the complexity of juvenile detention practice but who readily appreciate detention's value as a campaign football. It will be easier to maintain a system's integrity if reform has been marketed well from the beginning and sustained through sound practice and policy.

It is too easy for elections and political turnover to undo a reform initiative. Putting policies and practices in place will reduce the likelihood of backsliding, so will embedding alternatives in local budgets. Those steps are necessary but insufficient to ensure the reform's long-term viability. JDAI sites learned that elections and related turnover make it critical to educate new administrators from the beginning about "what it is we do, why we do it, and what the benefits are to everyone . . ."

4. A reform initiative cannot endure if it is only a top-down enterprise. Collaboration and leadership are crucial to success, but rarely enough to bring about durable reform. Every JDAI site learned it is important to involve line staff and supervisors: whereas many leaders are sprinters, line staff and mid-level

management are the long-distance runners of any system change. No system conversion can endure if the line staff are not convinced that change is worthwhile.

5. Those who promote reform must be aware that they are sending their messages to many publics. In those JDAI jurisdictions where reform succeeded, leaders promoted reform to the general public, to the media, to politicians, and to their own staffs. Marketing widely was also crucial to sustaining reforms. It must be observed, however, that the sites were weakest in marketing to the press. They needed to do more to educate the media in the first instance and to trumpet success later. The sites also needed to do damage control when necessary. In general, sites need to develop a media response capacity, in-house press officers, and more effective "sound bites" to answer unwarranted attacks.

6. If reform is to endure, its key components must be built into budgets, policies, and practices that shape a system. Although for many sites JDAI began as an opportunity to think about detention centers, the initiative ended up involving much more comprehensive, permanent juvenile justice reforms. Successful JDAI sites developed budget line items for alternative programs, for information systems, for key staff. They routinized the reforms by changing policy manuals, which in turn shaped the orientation of new employees and the training of veterans.

Detention reform does not necessarily involve new money. It can involve realignment of staff. Cook County made a remarkable reconfiguration of its probation officers by moving many from postadjudication supervision to the front end of the system. If improved outcomes are what people had hoped for, the Cook County changes will endure.

7. Changing a culture takes time and requires constant vigilance. The JDAI sites learned that reform is a long-term, day-to-day proposition. A system isn't changed merely because a steering committee has developed a plan to change it. A culture isn't transformed merely because a mayor endorses reform.

The sites that succeeded were capable of adapting to changed circumstances. For example, if one risk assessment instrument failed, they developed another.

They tested it, built support for it, validated it, and demonstrated its value to stakeholders. If circumstances changed, they changed the instrument and continued a process of renewing support for it.

On the other hand, major political changes can undo reforms that are not firmly rooted in the local culture. For example, midway through New York's initiative, a change of mayors and top executive branch leadership caused the JDAI reforms to stall. Detention reform thus requires political skills as much as the managerial talent necessary to engineer a system transformation. There is no foolproof method of avoiding political setbacks. But the leaders of any reform must be scanning the horizon and anticipating problems: meeting with new police officers and command staff, new district attorneys, new editors, new supervisory staff; training and retraining staff on the system's values as they unfold in written policies and procedures; and cultivating politicians of all parties, dulling their criticism by building relationships that permit discussion of the initiative's values.

RESOURCES

For information about how JDAI sites promoted and sustained detention reforms, contact:

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(312) 433-6575

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The Pathways to Juvenile Detention Reform series includes the following publications:

Overview: The JDAI Story: Building a Better Juvenile Detention System

1. Planning for Juvenile Detention Reforms: A Structured Approach

2. Collaboration and Leadership in Juvenile Detention Reform

3. Controlling the Front Gates: Effective Admissions Policies and Practices

4. Consider the Alternatives: Planning and Implementing Detention Alternatives

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6. Improving Conditions of Confinement in Secure Juvenile Detention Centers

7. By the Numbers: The Role of Data and Information in Detention Reform

8. Ideas and Ideals to Reduce Disproportionate Detention of Minority Youth

9. Special Detention Cases: Strategies for Handling Difficult Populations

10. Changing Roles and Relationships in Detention Reform

11. Promoting and Sustaining Detention Reforms

12. Replicating Detention Reform: Lessons from the Florida Detention Initiative

For more information about the ***Pathways*** series or
the Juvenile Detention Alternatives Initiative, contact:

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